

The complaint

Miss W and Mr W are unhappy that Europ Assistance SA haven't settled a claim they made on their travel insurance policy and with the service they received.

What happened

Miss W and Mr W say that whilst abroad they had their rucksack taken, during which Mr W was injured.

They contacted Europ Assistance for help but had a lot of problems getting through. When they did make contact they didn't receive the help they expected, particularly as they had limited access to money following the theft.

Europ Assistance have, in summary, declined to assess the claim without a police report. Mr W says he tried to obtain this but wasn't able to. He says it was hinted to him that he'd need to bribe the police to obtain one. Unhappy, Mr W complained to the Financial Ombudsman Service.

Our investigator looked into what happened. She thought it would be fair and reasonable for Europ Assistance to reconsider the claim. She thought Mr W had given persuasive testimony and provided other supporting evidence which indicated he was the victim of crime.

Europ Assistance didn't agree and asked an ombudsman to review the complaint. In summary, they didn't think it was fair to consider the claim outside of the policy terms and that this would set a concerning precedent. Mr W didn't make any further comments in relation to the investigator's recommendation, but he did provide evidence of the injuries he says he sustained during the incident.

The complaint was referred to me to make a decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

The relevant rules and industry guidelines say that Europ Assistance has a responsibility to handle claims promptly and fairly. And they shouldn't reject a claim unreasonably.

There's no dispute the policy terms say that a police report is required in such circumstances. However, I've also thought about what's fair and reasonable in the circumstances. Having done so I'm partly upholding Miss W and Mr W's complaint. I say that because:

- Mr W provided evidence that he got the address of a police station from his hotel which supports he was actively trying to report the incident. I think it's unlikely the hotel would have sent him this information if he was not looking to report the incident.

- In my view Mr W has given plausible and persuasive testimony about why he's been unable to obtain a police report. He's explained he was able to obtain the equivalent of a crime reference number, but it was intimated to him that he'd need to pay the police to obtain a report. I think that's plausible and it's understandable why Mr W didn't want to do this. Mr W also provided a picture taken of him talking to what appears to be some sort of security official (which he says was taken after the incident). This further persuades me that Mr W's testimony is credible.
- Mr W contacted Europ Assistance whilst abroad for help by phone and online to report the theft. So, he reported the incident to Europ Assistance shortly after the theft. I think it's unlikely he'd have done that if no such incident had taken place.
- I don't think it's reasonable, in the specific circumstances of this case, to require Mr W to provide a medical report to date his injuries. I think it's reasonable to accept Mr W's testimony that he received some injuries during the incident, which he's provided photographic evidence of. I also think it's plausible, given the nature of the injuries, that Mr W didn't seek medical attention particularly given that he was due to return home shortly.
- I've thought about the points Europ Assistance have made about the circumstances of the theft, including that the online report made didn't mention the use of violence. I don't think that's central to the outcome of the complaint. I'm satisfied, on balance, that there's sufficient evidence Mr W's rucksack was taken from him whilst he visited the beach.
- I don't think it's fair and reasonable to decline the claim, in the circumstances of this case, where there is other supporting and circumstantial evidence that indicates that a theft took place. Nor am I persuaded, on balance, that the lack of information about the circumstances of the complaint prejudices Europ Assistance to such an extent that it prevents Europ Assistance from fairly considering the claim.
- I don't think it was unreasonable that Europ Assistance didn't give Mr W immediate financial assistance when he initially contacted them. I think they gave him reasonable guidance about how the claim would be handled. So, I'm not upholding this aspect of the complaint.

Putting things right

Europ Assistance needs to put things right by reassessing the claim in line with the remaining policy terms. If Miss W and Mr W are unhappy with the settlement of the claim they may be entitled to make a further complaint to the Financial Ombudsman Service.

My final decision

I'm partly upholding this complaint and direct Europ Assistance SA to put things right in the way I've outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W and Mr W to accept or reject my decision before 2 January 2025.

Anna Wilshaw
Ombudsman